

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JACK JOHN C HAMANN,

Plaintiff,

v.

ORDER

DR. CONRAD MAGNO, DDS,

22-cv-245-wmc

Defendant.

Pro se plaintiff Jack John C. Hamann is suing dentist Dr. Conrad Magno for allegedly injuring him during a tooth extraction, and failing to ensure proper follow-up care. Hamann seeks to compel Magno to respond to his discovery requests, or at least to confirm that he will respond. Dkt. 45. Hamann says that he has repeatedly sent his requests to Dr. Magno, most recently on January 19, 2023, but has yet to receive a response. When Hamann tried calling defense counsel to resolve the issue, her number was disconnected.

I will grant Hamann's motion in part. I resolved the parties' dispute over the scope of the medical authorization form Magno wanted Hamann to sign in a February 21, 2023 order. Dr. Magno noted in his related filings that Hamann was requesting discovery he could not provide without Hamann's medical records. Dkts. 33 at 3, 34 at 2. Indeed, Hamann's discovery requests include a request for copies of the medical records from the tooth extraction, that Dr. Magno identify the portions of Hamann's medical history he relied on in treating Hamann, and that Dr. Magno explain why he approached the procedure as he did and why there were complications. Dkt. 43 at 2-3. Dr. Magno would need to access to Hamann's relevant medical records to respond to such requests.

Hamann says that he has sent his psychiatric records to defense counsel, and that his health records going back five years would be sent to defense counsel on March 6, 2023.¹ Dkt. 44 at 1. Now that Dr. Magno has begun receiving Hamann's health records, I presume that he is working diligently to prepare his responses to Hamann's discovery requests. If Dr. Magno is not able to respond to Hamann's requests by April 5, 2023, or 30 days after he should have received Hamann's remaining health records, then Dr. Magno must communicate with Hamann about a mutually agreeable response deadline. Dispositive motions shall remain due on May 15, 2023.

ORDER

It is ORDERED that plaintiff's motion to compel, Dkt. 45, is GRANTED in part. If defendant Dr. Conrad Magno is unable to respond to plaintiff's discovery requests by April 5, 2023, he must communicate with Hamann about a mutually agreeable response deadline.

Entered this 8th day of March, 2023.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge

¹ Hamann also filed his psychiatric records with the court to show that he is complying with his discovery obligations in good faith. Dkt. 40. That is not necessary. As the court has explained to Hamann, discovery should not be filed with the court except to support a motion or response to a motion. Dkt. 42.